

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Taxes Department - Anti-Corruption Bureau Surprise Check over the Commercial Tax Check Post, Zaheerabad, Medak District conducted on 6.3.2004 - Disciplinary proceedings against Sri S.J. Sudheer Nishaker, Sri Abdul Khader, Assistant Commercial Tax Officers and Sri Shoukath Ali and Sri Mohd. Younus Khan, Attenders - Inquiry Report submitted - Further action dropped against Sri S.J. Sudheer Nishakar and Sri Abdul Khader, Assistant Commercial Tax Officers (Retired) - Orders-Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No. 979

Dated.28.06.2013.

Read the following:-

- 1.From the Director General, Anti Corruption Bureau, C.No.19/DES/NMD/2004, Dt.26.4.2004.
2. Govt. Memo No.12200/Vig.I(2)/2004-1, dt.11.8.2012.
3. Proceedings of the DC (CT), Hyderabad (Rural) Division No.E1/769/2004-1, Dt.19.5.2005.
4. Proceedings of the DC (CT), Hyderabad (Rural) Division No.E1/769/2004-2, Dt.19.5.2005.
5. Proceedings of the DC (CT), Hyderabad (Rural) Division No.E1/769/2004, Dt.19.12.2005.
6. Reports of the CTO in Rc.No.A1/216/2005, Dt.2.7.2009 & 7.8.2009.
7. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No.V3/518/2004, Dated.08.12.2009.
8. Govt. Memo No.12200/Vig.I(2)/2004-5, Dt: 25.06.2011.
9. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No.V3/518/2004, Dated.23.2.2012.
10. From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No.V3/518/2004, Dated.3.12.2012.

ORDER:

It was brought to the notice of the Government during the Surprise Check conducted by Anti-Corruption Bureau Officials on the Commercial Tax Check Post, Zaheerabad, Medak District on 6.3.2004, it was revealed that the officials of the Commercial Tax Check Post, Zaheerabad, Medak District were alleged to have indulged in corrupt practices i.e., collection of mamools from truck/lorry drivers passing through the Check Post by employing private persons. Accordingly, in the reference 1st read above, the Director General, Anti-Corruption Bureau furnished detailed report along with his recommendations. In the reference 2nd read above, the Government issued instructions to the Commissioner of Commercial Taxes to initiate major penalty proceedings against Commercial Tax Check Post officials.

2. In the reference 3rd & 4th read above, among others, the disciplinary authority i.e., the Deputy Commissioner (Commercial Taxes), Hyderabad (Rural) Division, Hyderabad framed Article of Charges against Sri S.J. Sudheer

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Nishakar & Sri Abdul Khader, Assistant Commercial Tax Officers, O/o. C.T. Check Post, Zaheerabad, Medak District respectively for violation of Conduct Rules, 1964 and obtained Written Statement of Defences. The Charged Officers denied the charges. Hence, the Deputy Commissioner (CT), Hyderabad (Rural) Division, Hyderabad appointed the Commercial Tax Officer-III, Nizamabad as Inquiry Authority to enquire into the charges framed against the above Charged Officers vide reference 5th read above.

3. In the reference 7th read above, the Commissioner of Commercial Taxes, Hyderabad furnished Inquiry Reports of the Commercial Tax Officer-III, Nizamabad, dated 2.7.2009 & 7.8.2009, wherein the inquiring authority observed that the charge against the Charged Officers that he exhibited lack of integrity and devotion to duty has not been proved.

4. Government have examined the Inquiry Report and provisionally decided to drop further action against Sri Abdul Khader, Assistant Commercial Tax Officer (Retired), as the charge held not proved against him.

5. In respect of Sri S.J.Sudheer Nishakar, Assistant Commercial Tax Officer (Retired), Government issued instructions to the Commissioner of Commercial Taxes, Hyderabad to communicate the disagreement factors together with a copy of the Inquiry Report of the Commercial Tax Officer-III, Nizamabad, dated 2.7.2009 & 7.8.2009 to him under rule 21 (2) of APCS (CC&A) Rules, 1991 calling for his representation thereon vide reference 8th read above.

6. In the reference 9th read above, the Commissioner of Commercial Taxes, Hyderabad has furnished report of the Deputy Commissioner (Commercial Taxes), Hyderabad (Rural) Division, Hyderabad and replies of the Charged Officer to the disagreement factors. Sri S.J. Sudheer Nishakar, Assistant Commercial Tax Officer (Retired) has stated that preponderance of possibility cannot be applied without any clinching evidence and the Computer Operators were deployed by on the orders of the Commissioner of Commercial Taxes, A.P., Hyderabad and he was not prevented from utilizing their services in the Check Post in the interest of Government work. With regard to attendance of private driver namely C. Krishna, he has stated that the burden of securing his presence rests on the authorities as evidence of proving that charge for examination and cross examination as laid down in Rule 20(10). No charge can be held proved in the absence of clinching evidence of the witness nominated by the Disciplinary Authority. The presence of the private driver was in connection with the car engaged by the department itself and not by the Assistant Commercial Tax Officer and that too for official purposes and requested to drop further action in the matter.

7. Government have examined the representation of Sri S.J. Sudheer Nishakar, Assistant Commercial Tax Officer (Retired) to the disagreement factors and observe that the explanation of Delinquent Officer is sound convincing. The gap in the inquiry due to the absence of the driver cannot perhaps be cured. He just refused to attend the inquiry and the DEOs in question were deployed by M/s. APTECH in tune with an agreement entered with Commercial Taxes Department as a part and parcel of administrative reforms initiated in various check posts across Andhra Pradesh. Hence, it is decided to drop further action against him also.

8. Government, after careful examination of the matter, hereby drop further action against Sri S.J. Sudheer Nishakar and Sri Abdul Khader, Assistant Commercial Tax Officers (Retired), Nizamabad Division.

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9. The Commissioner of Commercial Taxes, AP, Hyderabad, shall take action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**M.G.GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri S.J. Sudheer Nishakar and Sri Abdul Khader, Assistant Commercial Tax Officers (Retired), Nizamabad Division.

through the Commissioner of Commercial Taxes, A.P, Hyderabad.

Copy to

The Commissioner of Commercial Taxes, A.P., Hyderabad.

The Director of Treasuries & Accounts, Hyderabad.

The Director General, Anti Corruption Bureau, A.P., Hyderabad.

The Secretary to VC, A.P. Vigilance Commission, Hyderabad.

The Revenue (CT-I) Department.

PS to Principal Secretary to Govt., Revenue Department.

SF/SC

//Forwarded :: By Order //

SECTION OFFICER.